

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

PITTSBURGH PIPE & SUPPLY CORP., )

Plaintiff, )

v. )

VIVIAN UTLEY-WHEELER, et al., )

Defendants. )

Case No. 4:23 CV 959 RWS

**MEMORANDUM AND ORDER**

This matter is before me on my review of the file. Defendants removed this action from state court invoking this diversity jurisdiction under 28 U.S.C. § 1332. Defendants allege that “defendants are and were at all times herein mentioned residents and citizens of the state of Texas as set forth in paragraphs 2 and 3 of the petition.” ECF 1 at 2. However, paragraphs 2 and 3 of the state court petition do not contain facts sufficient for this Court to determine the citizenship of the defendants for diversity jurisdiction. In particular, plaintiff’s state court petition does not allege the members of defendant BeBe Steel, L.L.C. “[A] LLC’s citizenship is that of its members for diversity jurisdiction purposes.” *GMAC Commercial Credit LLC v. Dillard Dept. Stores, Inc.*, 357 F.3d 827, 829 (8th Cir. 2004). That is why Local Rule 2.09 of the Eastern District of Missouri requires defendants to file a disclosure statement setting out this information with their first appearance. Because defendants have failed to comply with Local Rule 2.09 or otherwise provide the necessary information to

properly determine citizenship for diversity purposes, the Court is unable to evaluate whether this case has been properly removed to this Court.

Accordingly,

**IT IS HEREBY ORDERED** that defendants **comply with Local Rule 2.09 no later than 9:00 a.m. on August 4, 2023.**

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of August, 2023.